

The Government's Response to Petitioner's Habeas Corpus Motion Under 28 U.S.C. § 2241 asserts that the Petition is not filed in the proper jurisdiction because Petitioner is

currently imprisoned in New Jersey at FCI Fort Dix.¹ (Govt.'s Resp. § 2241 Petition at 2-4.)

Section 2241 is the general habeas corpus statute under which federal prisoners may seek relief for claims of unlawful custody. See 28 U.S.C. § 2241. Specifically, Section 2241 provides in relevant part:

The writ of habeas corpus shall not extend to a prisoner unless . . .
[h]e is in custody in violation of the Constitution or laws or treaties
of the United States.

28 U.S.C. § 2241(c)(3). Jurisdiction over a Section 2241 habeas petition is limited to the district where the petitioner is being held in custody. See 28 U.S.C. § 2241(a); Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004) (“[F]or core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.”); Burkey v. Marberry, 556 F.3d 142, 146 (3d Cir. 2009) (noting that the petitioner, who challenged the BOP’s determination that he was ineligible for early release, had “appropriately filed his habeas corpus petition in the district of confinement”); U.S. v. Figueroa, 349 F. App’x. 727, 730 (3d Cir. 2009) (“A petition brought under 28 U.S.C. § 2241 must be filed in the district in which the petitioner is imprisoned.”); Yi v. Maugans, 24 F.3d 500, 503 (3d Cir. 1994) (“A district court’s habeas corpus jurisdiction is territorially limited and extends only to persons detained and custodial officials acting within the boundaries of that district.”).

By Petitioner’s own admission, he is currently confined at FCI Fort Dix in New Jersey, and was confined there at the time he filed his Petition. In fact, Petitioner names J.

Hollingsworth, the Warden of FCI Fort Dix, as the Respondent. (See § 2241 Pet.) Therefore,

¹In addition, the Government argues for the dismissal of the Petition because it raises the same claim that was previously raised, and rejected, and is, therefore, a successive petition under the “Abuse of Writs” doctrine. (Govt.’s Resp. § 2241 Petition at 2-4.) We will not address the merits of this argument since we lack jurisdiction.

this Court has no personal jurisdiction pursuant to 28 U.S.C. § 2241(a).

II. TRANSFER

Whenever a civil action is filed in a court that lacks jurisdiction, “the court shall, if it is in the interest of justice, transfer such action . . . to any other such court in which the action . . . could have been brought at the time it was filed.” 28 U.S.C. § 1631. Here, transfer of the habeas action to the United States District Court for the District of New Jersey is in the interest of justice because it is the proper district where it should have been brought. See 28 U.S.C. § 1631. Therefore, this case will be transferred to the District of New Jersey.

III. CONCLUSION

For the reasons set forth above, the Petition will be transferred to the District of New Jersey because this District Court lacks jurisdiction over this matter.

An appropriate Order follows.